

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL RECKER,

Defendant.

No. CR12-2003

**ORDER DENYING MOTION FOR
BILL OF PARTICULARS**

This matter comes before the Court on the Motion for Bill of Particulars (docket number 13) filed by the Defendant on February 6, 2012, and the Resistance (docket number 16 filed by the Government on February 7, 2012. Defendant asks that the Court order the Government to file a bill of particulars, pursuant to FEDERAL RULE OF CRIMINAL PROCEDURE 7(f). Pursuant to Local Rule 7.c, the motion will be decided without oral argument.

On January 24, 2012, Defendant was charged with possession of firearms as a prohibited person, in violation of 18 U.S.C. §§ 922(g)(9) and 924(a)(2). The Indictment alleges that on April 29, 2010, Defendant possessed two rifles (identified by make, model, and serial number). The Indictment further alleges that Defendant was previously convicted of a misdemeanor crime of domestic violence (identifying the conviction by date, court, and case number).

In his instant motion, Defendant asserts that “[t]he date of the alleged offense is not specific for Mr. Recker to ascertain his own whereabouts at the time of the alleged offense, that he can form any defense against the alleged fact.” Defendant’s assertion is simply false. The Indictment clearly states that the offense allegedly occurred on April 29, 2010. The Indictment further advises Defendant of the two specific firearms which he allegedly possessed on that date, and identifies the underlying conviction which prohibited Defendant from possessing firearms. The Indictment alleges with specificity the essential elements necessary to establish guilt. No further “particulars” are required.

In his motion, Defendant asks for the names of the witnesses who testified before the grand jury regarding his possession of the firearms on “the unspecified day.” The government asserts that Defendant is not entitled to that discovery under RULE 16, but nonetheless indicates that copies of grand jury transcripts of all witnesses will be included in the discovery file for Defendant’s inspection. Similarly, Defendant’s request for laboratory reports and other documents are the subject of discovery pursuant to RULE 16(a), not a bill of particulars pursuant to RULE 7(f).

ORDER

IT IS THEREFORE ORDERED that the Motion for Bill of Particulars (docket number 13) filed by Defendant on February 6, 2012 is **DENIED**.

DATED this 13th day of February, 2012.



JON STUART SCOLES
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA